

REMARKS

This Amendment Response is submitted in reply to the Office Action dated January 25, 2007, in which the Examiner:

rejected claim 7 as indefinite under 35 U.S.C. § 112, second paragraph;

rejected claims 1-4, 10, 16 and 17 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Application Publication No. 2003/0125781 to Dohno et al.;

rejected claims 5 and 20-22 under 35 U.S.C. § 103(a) as unpatentable over Dohno in view of U.S. Patent Application Publication No. 2005/0040736 to Topliss et al.; and

indicated claims 6, 8, 9, 11-13, 18 and 19 would be allowable if rewritten in independent form.

Claims 1-13 and 16-22 are currently pending. The current Amendment amends claims 7. Claims 1 and 16 are independent claims.

Claim 7 was rejected as indefinite under 35 U.S.C. § 112, second paragraph. Claim 7 has been amended to depend from claim 6, as suggested by the Examiner to overcome the rejection. Accordingly, Applicants respectfully request that the rejection of claim 7 as indefinite under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claims 1-4, 10, 16 and 17 were rejected under 35 U.S.C. § 102(b) as anticipated by Dohno. An anticipation rejection under § 102(b) is improper unless Applicants' claimed invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country,

more than one year prior to the date of the application for patent in the United States.

Dohno does not qualify as prior art under § 102(b). For the purposes of overcoming rejections under § 102(b), the current application is entitled to the benefit of its September 18, 2003 International Filing Date. Dohno has a publication date of July 3, 2003, which is less than one year prior to Applicants' International Filing Date.

Thus, Dohno does not qualify as prior art under § 102(b). Accordingly, Applicants respectfully submit that the rejection of claims 1-4, 10, 16 and 17 under 35 U.S.C. § 102(b) as anticipated by Dohno is improper for at least this reason, and should be withdrawn.

In the interests of furthering prosecution, Applicants note that Dohno also fails to qualify as prior art under either § 102(a) or (e). For the purposes of overcoming rejections under § 102(a) and (e), the current application is entitled to the benefit of the September 20, 2002 filing date of its Danish priority application. Under § 102(a), Dohno is effective as prior art as of its July 3, 2003 publication date. Under § 102(e), Dohno is effective as prior art as of its November 19, 2002 U.S. filing date. As both of these dates are later than the filing date of Applicants' Danish priority application, Applicants respectfully submit that Dohno does not qualify as prior art under either § 102(a) or (e).

Claims 5 and 20-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dohno in view of Topliss. To be used in support of a § 103 rejection, a reference must qualify as prior art under one or more paragraphs of § 102. As noted above, Dohno does not qualify as prior art under § 102(a), (b) or (e).

Applicants further note that Topliss also fails to qualify as prior art under § 102(a), (b) or (e). Topliss was not published until February 24, 2005, which is

well after the September 18, 2003 International Filing Date of the current application. Thus, Topliss does not qualify as prior art under either § 102(a) or (b). Under § 102(e), Topliss is entitled (at the earliest) to its September 26, 2002 International Filing Date. However, this date is still after the September 20, 2002 filing date of Applicants' Danish priority application. Thus, Topliss does not qualify as prior art under § 102(e).

As neither Dohno nor Topliss appear to qualify as prior art against the current application, Applicants respectfully submit that the rejection of claims 5 and 20-22 under 35 U.S.C. § 103(a) as unpatentable over Dohno in view of Topliss is improper for at least this reason, and should be withdrawn.

Having traversed each and every claim rejection, Applicants respectfully request that the rejections of claims 1-13 and 16-22 be withdrawn, and claims 1-13 and 16-22 be passed to issue.

Applicants believe no fees are due in connection with the current Amendment and Response. If any fees are deemed necessary, authorization is hereby granted to charge any such fees to Deposit Account No. 13-0235.

Respectfully submitted,

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